

Response to Restriction Requirement
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cell membrane. Thus, Applicants respectfully submit that in the absence of a showing of two-way distinctness between the genus defined by Claim 19 and the subgenus defined by Claim 21, all of the claims should be examined together.

It is also noted that both Group I and Group II are classified in Class 514, subclass 2. Additionally, the components of the compositions to be delivered are the same for both groups. Thus, Applicants respectfully submit that the search and examination of the entire application could be made without serious burden. See M.P.E.P. § 803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct and independent inventions."

For at least the reasons given above, Applicants respectfully request withdrawal of the restriction requirement and examination of Claims 1-26 as a single group.

Election of Species

The Office Action further states that Claims 3, 4, 10, 12, 16, 20, 22-23, 25-26 are generic to a plurality of disclosed patentably distinct species comprising different biologically-active factors and requires an election of a specifically disclosed biologically active factor. Applicants provisionally elect the species TNF- α . Claims 1-26 correspond to the elected subject matter.

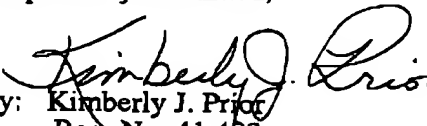
The Office Action further states that Claim 7 is generic to a plurality of disclosed patentably distinct adjuvants and requires an election of a specifically disclosed adjuvant. Applicants provisionally elect Freund's Complete Adjuvant.

Applicants understand that the election of a single disclosed species is a provisional election and that if no prior art is found which anticipates or renders obvious the elected species, the search of the claims will be extended to the extent necessary to determine patentability of the generic claims.

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The foregoing is submitted as a full and complete Response to the Restriction Requirement mailed November 23, 1998, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 818-3700 is respectfully solicited.

Respectfully submitted,


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